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11 Attorneys for Plaintiff

12 UNITED STATES MAGISTRATE COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA, ) No. 3 05 70552  
16 Plaintiff, ) S  
17 v. ) [PROPOSED] ORDER AND  
18 SHEILA WHITTENBERG, ) STIPULATION FOR CONTINUANCE  
19 Defendant. ) FROM AUGUST 2, 2005 TO SEPTEMBER  
20 29, 2005 AND EXCLUDING TIME FROM  
21 THE SPEEDY TRIAL ACT  
22 CALCULATION (18 U.S.C. §  
23 3161(h)(8)(A)) AND WAIVING TIME  
24 LIMITS UNDER RULE 5.1

25 With the agreement of the parties, and with the consent of the defendant, the Court enters  
26 this order scheduling an arraignment or preliminary hearing date of September 29, 2005 at  
27 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the  
preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time  
under the Speedy Trial Act, 18 U.S.C. § 3161(b), from August 2, 2005, to September 29, 2005.

28 The parties agree, and the Court finds and holds, as follows:

- 29 1. The defendant has been released on her own recognizance.
- 30 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §  
31 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective  
32 preparation, taking into account the exercise of due diligence.
- 33 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

1 preliminary hearing.

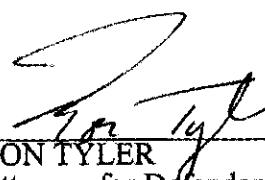
2 4. Counsel for the defense believes that postponing the preliminary hearing is in his  
3 client's best interest, and that it is not in his client's interest for the United States to indict the  
4 case during the normal 20-day timeline established in Rule 5.1.

5 5. The Court finds that, taking into the account the public interest in the prompt  
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
8 the Court finds that the ends of justice served by excluding the period from August 2, 2005 to  
9 September 29, 2005, outweigh the best interest of the public and the defendant in a speedy trial.  
10 § 3161(h)(8)(A).

11 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
12 hearing date before the duty magistrate judge on September 29, 2005, at 9:30A.M., and (2) orders  
13 that the period from August 2, 2005 to September 29, 2005 be excluded from the time period for  
14 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act  
15 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16  
17 IT IS SO STIPULATED:

18  
19 DATED: 8/9/05

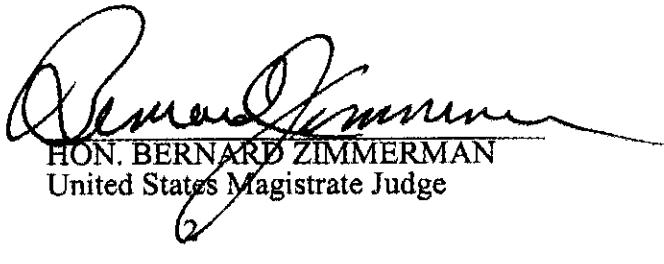
  
RON TYLER  
Attorney for Defendant

20  
21 DATED: 8/4/05

  
ROBERT DAVID REES  
Assistant United States Attorney

22  
23 IT IS SO ORDERED.

24  
25 DATED: 10 Aug 05

  
HON. BERNARD ZIMMERMAN  
United States Magistrate Judge